

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FIRST CASH FINANCIAL SERVICES, INC.

Plaintiff,

v.

BLAKE MIRAGLIA and
STEPHEN MIRAGLIA

Defendants.

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CIVIL ACTION NO. _____

4-02CV1025-Y

NOTICE OF REMOVAL

Defendants Blake Miraglia, Stephen Miraglia, Bruce Meyers, Paulette Meyers, Gary Vanier, and Barbara Vanier ("Defendants") file this Notice of Removal of the above styled case, and respectfully show the Court as follows:

1. Plaintiff First Cash Financial Services, Inc. ("First Cash") commenced this action by filing an Original Petition on November 4, 2002 in the 352d Judicial District Court of Tarrant County, Texas, Cause No. 352-195-884-02.

2. First Cash served the Original Petition and a civil summons on Defendants Bruce Meyers, Gary Vanier and Barbara Vanier on November 25, 2002. First Cash served the Original Petition and a civil summons on the remaining defendants, Blake Miraglia, Stephen Miraglia and Paulette Meyers, on December 11, 2002. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b) because it is filed within thirty days of service of the Original Petition and summons on Defendants.

3. The United States District Court for the Northern District of Texas, Fort Worth Division, is the appropriate court to which this action should be removed because it is the district court of the United States for the district and division where the action is pending. Venue is therefore proper under 28 U.S.C. §1441(a).

4. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81.1(c), a true and correct copy of each document filed in this action has been indexed and attached to this notice.

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332.

Diversity

6. Plaintiff is a Delaware corporation with its principal place of business in Texas. Defendant Blake Miraglia is a citizen of the state of Georgia. Defendants Stephen Miraglia, Bruce Meyers, Paulette Meyers, Gary Vanier and Barbara Vanier are citizens of the state of California.

Amount in Controversy

7. The amount in controversy exceeds \$75,000.00. The face of Plaintiff's state court petition demonstrates that it is more likely than not that this case exceeds the jurisdictional minimum of \$75,000.00. *See St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998). First, the nature of the causes of action brought by Plaintiff and the factual context surrounding those claims indicate that this case involves more than the jurisdictional minimum. *See Maley v. Design Benefits Plan, Inc.*, 125 F. Supp. 2d 197, 199 (E.D. Tex. 2000). Plaintiff has brought a breach of contract action, based on an "Asset and Stock Purchase Agreement." Second, Plaintiff also charges fraud, based on false representations. *See id.* In addition, Plaintiff

seeks to recover both punitive damages and attorneys' fees. These causes of action indicate that this case involves at least the jurisdictional minimum. *See id.*

The Notice of Removal is Procedurally Correct

8. All Defendants join in this removal.

9. Pursuant to 28 U.S.C. §1446(b), this Notice of Removal was timely filed with this Court within thirty days after Defendants ascertained that the case is one in which is or has become removable.

10. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all adverse parties promptly after filing this notice of removal.

11. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the clerk of the 352d Judicial District Court of Tarrant County, Texas, promptly after filing this notice.

12. Pursuant to Local Rule 81.1(a)(1), an original and one copy of a completed civil cover sheet are provided.

13. Pursuant to Local Rule 81.1(a)(2), an original and one copy of a supplemental civil cover sheet are provided.

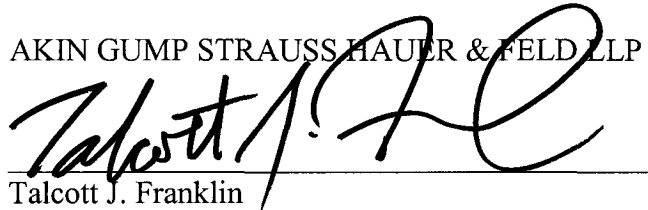
14. Pursuant to Local Rule 81.1(a)(3), an original and one copy of a notice of removal with a copy of the following attached to both the original and copy: (A) an index of all documents that clearly identifies each document and indicates the date the document was filed in state court; (B) a copy of the docket sheet in the state court action; (C) each document filed in the state court action, except discovery material, individually tabbed and arranged in chronological

order according to the state court file date; and (D) a separately signed certificate of interested parties that complies with Local Rule 3.1(f) is attached.

Dated: December 20, 2002.

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

A handwritten signature in black ink, appearing to read 'Talcott J. Franklin', is written over a horizontal line.

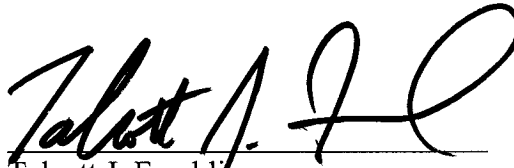
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**ATTORNEY FOR DEFENDANT
BLAKE MIRAGLIA**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served upon all counsel of record below by facsimile and certified mail, return receipt requested, on this the 20 day of December 2002 as follows:

Patrick E. Gaas
Paul Catalano
Brewer & Pritchard, P.C.
Three Riverway, 18th Floor
Houston, Texas 77056


Talcott J. Franklin